

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

EARTHLEY E. TAYLOR, JR.,

Plaintiff,

v.

3:08-cv-873

SHELTERED WORKSHOP FOR THE
DISABLED, INC., THOMAS WENDELL,
JUDY ORBAND and DALE TEWKSBURY,

Defendants.

THOMAS J. MCAVOY
Senior United States District Judge

DECISION and ORDER

Plaintiff moves for reconsideration of the Court's October 27, 2009 Decision and Order granting Defendants' motion for summary judgment.¹

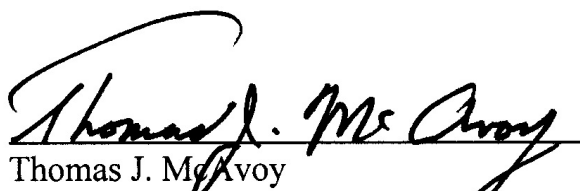
The standard for granting a motion for reconsideration is strict. Reconsideration will "generally be denied unless the moving party can point to controlling decisions or data that the court overlooked - matters, in other words, that might reasonably be expected to alter the conclusion reached by the court." Shrader v. CSX Transp., Inc., 70 F.3d 255 (2d Cir. 1995). The Northern District of New York "recognizes only three possible grounds upon which a motion for reconsideration may be granted: (1) an intervening change in controlling law, (2) the availability of new evidence not previously available, or (3) the need to correct clear error of law to prevent manifest injustice." U.S. v. Li, 2006 WL 2375475, at *1 (N.D.N.Y. 2006).

¹ Plaintiff failed to file papers on opposition to Defendants' motion for summary judgment.

Plaintiff's arguments do not satisfy the standard for reconsideration and, in particular, fail to show that Plaintiff timely commenced this action. Accordingly, Plaintiff's motion for reconsideration is DENIED.

IT IS SO ORDERED.

Dated: January 14, 2010


Thomas J. McAvoy
Senior, U.S. District Judge